

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

Applicant's or agent's file reference	FOR FURTHER ACTION      See Form PCT/IPEA/416	
WS 2237.1 PCT		
International reference No.	International filing date (Day/Month/Year)	Priority date (Day/Month/Year)
PCT/EP2004/011722	18.10.2004	16.10.2003
International Patent Classification (IPC) or national classification and IPC D01H4/44, D01H1/16, D01H4/00		
Applicant  SAURER GMBH & CO. KG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority according to Article 35 and transmitted to the Applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising</p> <p>a. (sent to the Applicant and to the International Bureau), as follows:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Sheets of the description, claims and/or drawing which have been amended and are the basis of this report and/or sheets containing rectifications authorised by this authority (see Rule 70.16 and Section 607 of the Administration instructions).</li><li><input type="checkbox"/> Sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the International Application as filed, as indicated in Item 4 of Box No. 1 and the supplemental box.</li></ul> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s), containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the supplemental box relating to the sequence listing (see Section 802 of the Administrative Instructions).</p>																										
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinions with regard to novelty, inventive step and any industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinions with regard to novelty, inventive step and any industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the request 23.04.2005	Date of completion of this report 24.01.2006
Name and mailing address of the International Examining Authority: European Patent Office – P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk – Netherlands Tel. +31 70 340 -2040, Tx: 31 651 epo nl Fax: +31 70 340 – 3016	Authorised officer  Henningsen, O  Tel. +31 70 340  EPO stamp

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

**International Application No. PCT/EP2004/011722**

Box No. 1	Basis of the report
1	1
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1. With regard to the **language**, this report is based on the International Application in the language in which it was filed, if nothing different is stated under this point.

- ☐ The report is based on a translation from the original language into the following language, which is the language of the translation, which has been filed for the following purpose:
- ☐ international search (according to Rules 12.3 and 23.1b)
  - ☐ publication of the international application (according to Rule 12.4)
  - ☐ international preliminary examination (according to Rules 55.2 and/or 55.3)

2. With regard to the **elements\*** of the international application, the report is based on *(replacement sheets which have been furnished to the receiving office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, pages**

1-9 in the originally filed version

**Claims, No.**

1-5 in the originally filed version

## Drawings, sheets

1/3, 3/3 in the originally filed version

- ☐ a sequence listing and/or any related tables – see supplemental box relating to sequence listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ Description: page
- ☐ Claims: No.
- ☐ Drawings: Sheet/Figs.
- ☐ Sequence listing (*specify*):
- ☐ any tables relating to the sequence protocol (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered in the opinion of the authority to go beyond the disclosure as originally filed, as indicated in the supplemental box (Rule 70.2 c)).

- ☐ Description: page
- ☐ Claims: No.
- ☐ Drawings: Sheet/Figs.
- ☐ Sequence listing (*specify*):
- ☐ any tables relating to the sequence listing (*specify*):

\* If Item 4 applies, some or all of the sheets may be marked "superseded".

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No.  
PCT/EP2004/011722

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; documents and explanations supporting such statement**

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1. Statement
- |                               |                 |
|-------------------------------|-----------------|
| Novelty (N)                   | Yes: Claims 1-5 |
|                               | No: Claims      |
| Inventive step (IS)           | Yes: Claims 1-5 |
|                               | No: Claims      |
| Industrial applicability (IA) | Yes: Claims 1-5 |
|                               | No: Claims      |

2. Documents and explanations (Rule 70.7):

**see supplementary sheet**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(SUPPLEMENTARY SHEET)**

**International Application No. PCT/EP2004/011722**

**Item V**

1. Reference is made to the following documents:

D1: DE 44 04 503 A1 (W. SCHLAFHORST AG & CO, 41061  
MOENCHENGLADBACH, DE) 29 September 1994  
D2: EP-A-1 054 086 (RIETER INGOLSTADT SPINNEREIMASCHINENBAU AG)  
22 November 2000.

2. Document D1 is regarded as the closest prior art. It discloses (the references in brackets relate to this document):

Rotor spinning machine with a plurality of spinning stations (2), which in each case comprise an opening roller (41) and a drawn-in roller (39) for supplying fibre band to the opening roller (41) and are equipped with control devices for individual drives of the draw-in rollers (Col. 5, line 11 to 31).

Effect yarns can be produced with this rotor spinning machine by targeted activation of the individual drive of the associated draw-in roller.

- 2.1 The subject of claim 1 therefore differs from the known D1 in that the control devices (38) each have a connection mechanism (39), to which an additional control card (40) can be attached for producing effect yarn with predetermined effects, which comprises a processor, which meets the elevated computing power requirements for this and can be activated via a data bus system (41).
- 2.2 Accordingly the subject of claim 1 of the application is novel in the context of Article 33(2) PCT.

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(SUPPLEMENTARY SHEET)**

**International Application No. PCT/EP2004/011722**

3. The object to be achieved by the present invention can be regarded as improving a spinning machine in such a way that production of various effect yarns becomes possible by simple reprogramming of the machine without the replacement of "hardware".
  - 3.1 To achieve the object posed, it is proposed in the characterising part of claim 1 of the application to use an *additional* control card (40), with a *processor* which *can be reprogrammed* via a data bus system with data for independent control of the production of various effect yarns, via a connection device (39).
  - 3.2 A control system is disclosed in D2, wherein exchangeable individual control devices (30A, 30B, 30C) are used, which exchange data via a bus line (42) with central control devices (4). These control devices may contain means for optimising spinning setters (Col. 27, line 50 to Col. 28, line 6).
  - 3.3 Despite D2, the solution disclosed in claim 1 of the application is based on an inventive step (Article 33(3) PCT), because D2 does not disclose any adequate indications, which would easily place the person skilled in the art in a position to use the control system from D2 on a spinning machine according to D1 to achieve the object posed under Item 3.
4. Claims 1 to 5 are dependent on claim 1 and therefore also meet the requirements of the PCT with regard to novelty and an inventive step.